

***Limited-Sight* Site Walk 2020** **+ Accepting “Fantasy Images” vs. “Illustrations”**

Submitted to the Durham Planning Board, February 3, 2022

Adapted from Public Comment, Planning Board, Jan 12, 2022, 8:11:24 pm ([video](#))

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**Dec 16, 2020 Plaza Site Walk,
unmarked hillside**



**CDA's Fantasy Image of Post-Construction
View from Chesley Dr, Nov 18, 2020**

The *only* Planning Board site walk for a *recent* Mill Plaza plan – on Dec 16, 2020 – was the least thorough

- PB Nov 2016 site walk included wider vistas & observations;
It lasted 1 hour, 42 mins
- ConCom Nov 2020 site walk studied surrounding context;
It lasted two hours
- The PB Dec 2020 site walk was unreasonably limited –
*and it lasted only 1 hour, 7 mins**
- ***A new, thorough site walk on latest plan is needed***

**Current PB Members not even at that limited Dec 2020 site walk: Nick Germain, Chuck Hotchkiss, Ellie Lonske, Bill McGowan*

The Planning Board's Nov 2016 Mill Plaza Site Walk
(during Preliminary Design Review)
included surrounding context views and observations
and lasted 1 hour & 42 mins

“16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted.”

—**Site Walk Minutes, 11-14-16**, 1:05-2:47 pm, p. 2

Naturally, the public expected at least the same for the Dec 2020 site during *Formal Application Review* of a significantly modified plan.

The Conservation Commission's Nov 2020 Mill Plaza Site Walk explored wide-ranging context (for two hours)

“The group proceeded to **Brookside Commons**, an adjacent private condominium property on the other side of College Brook....”

“Further down the brook, **Wil Wollheim from the UNH Department of Natural Resources, was invited to give an update of his work [on College Brook]....”**

“At this point in the walk, an adjacent **[Church Hill] hillside property currently proposed for a parking lot was discussed....”**

“The group then proceeded with permission to a number of **homeowner properties on Chesley Drive to look at problem areas due to flooding from the brook....”**

“The site walk continued south **over the footbridge** to Nancy Lambert's property along the brook and up into her **[17 Faculty Road] backyard. It was recommended that homeowners with properties facing the plaza ask the Planning Board to include their yards in a site walk.”**

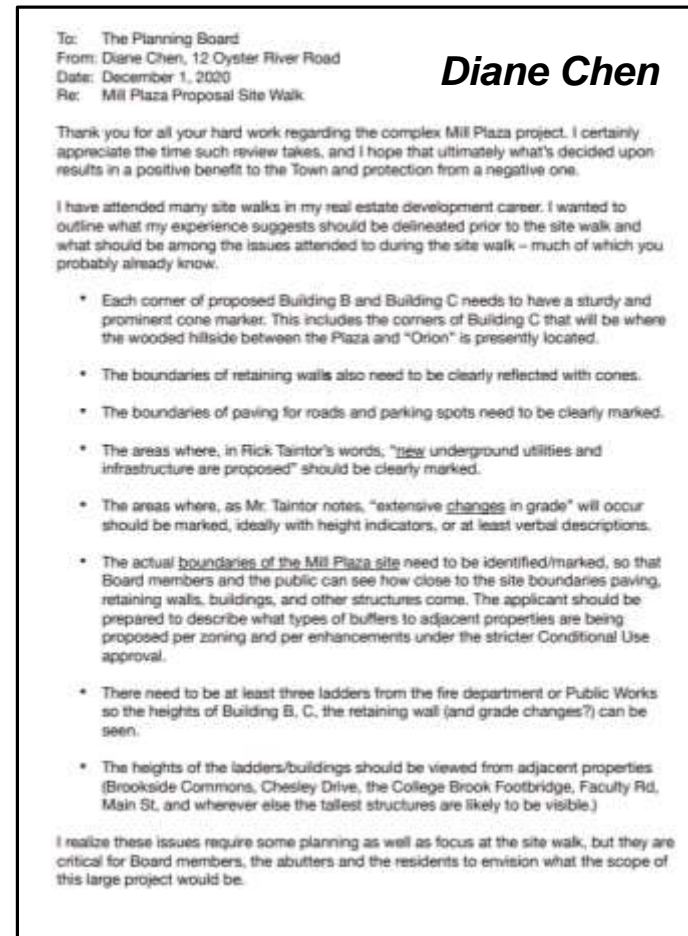
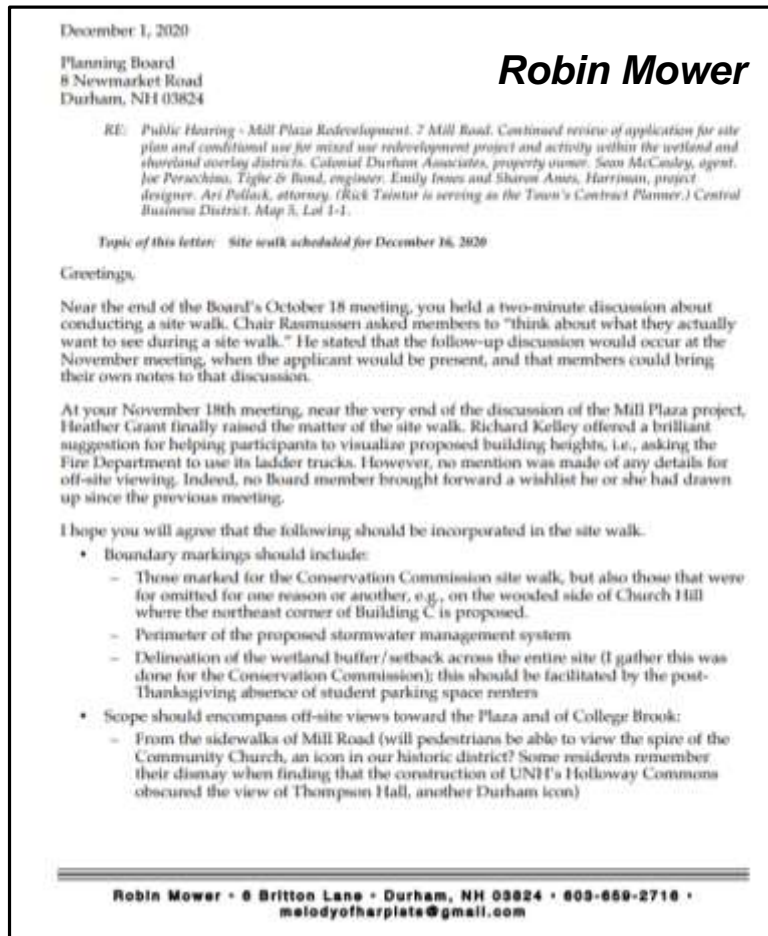
—**DCC Site Walk Minutes, Nov 20, 2020, 9 am to 11am**

On Dec 1, 2020, two residents with Site-Walk experience wrote guidance letters to the Planning Board

Residents expected the PB Site Walk to be even more rigorous than the ConCom Site Walk

“...no Board member should deliberate, let alone vote, on this application if he or she is not familiar with all the elements at stake.

—[R Mower 12-1-20](#)



“I have attended many site walks in my real estate development career.... these issues...are critical for Board members, the abutters and the residents to envision what the scope of this large project would be.”

—[D Chen 12-1-20 #2](#)

Plaza Site-Walk Checklist

Generated from R Mower 12-1-20 & D Chen 12-1-20 #2 (both with experience with site walks)

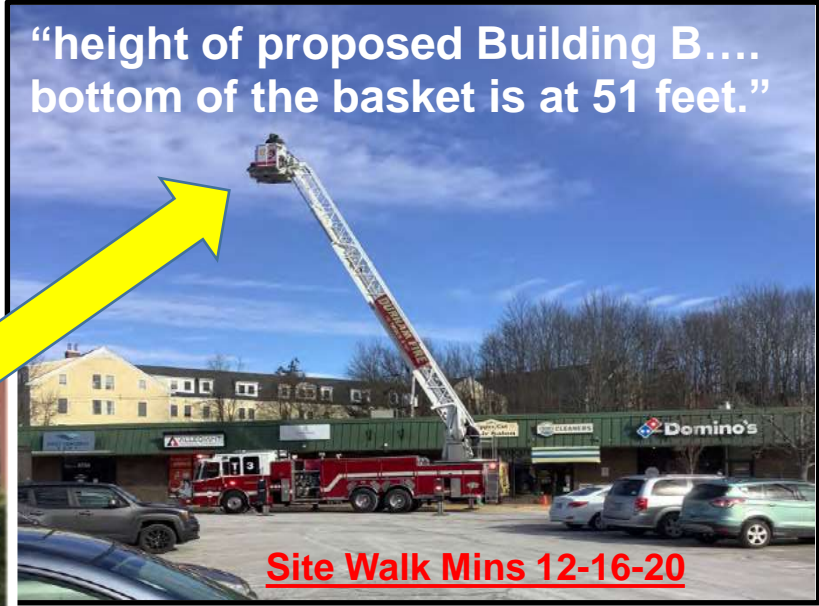
- _____ Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
- _____ Delineation of wetland buffer/setback across entire site & inspection of Brook bank
- _____ Each corner of proposed Buildings B and C marked with prominent cone marker
- _____ Markers on vegetated hillside to show proposed blasting-away boundaries
- _____ Boundaries of all proposed retaining wall(s) marked with cones or other markers
- _____ Boundaries of paving for roads & parking spots clearly marked
- _____ Markings for area of “new underground utilities & infrastructure”
- _____ Marking of perimeter of proposed stormwater management system
- _____ Fire-engine ladder(s) or balloons to illustrate *building* heights
- _____ Ladders or balloons to illustrate *retaining wall* heights
- _____ Building/structure heights viewed *from* adjacent properties:
 - _____ Brookside Commons; _____ Brook Footbridge; _____ Chesley Dr; _____ Faculty Rd; _____ Main St

Actual Dec 16, 2020 PB Site-Walk

- NO** Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
- NO** Delineation of wetland buffer/setback across entire site & inspection of Brook bank
- NO** Each corner of proposed Buildings B and C marked with prominent cone marker
- NO** Markers on vegetated hillside to show proposed blasting-away boundaries
- NO** Boundaries of all proposed retaining wall(s) marked with cones or other markers
- NO** Boundaries of paving for roads & parking spots clearly marked
- NO** Markings for area of “new underground utilities & infrastructure”
- NO** Marking of perimeter of proposed stormwater management system
- YES** Fire-engine ladder-to illustrate *building heights*
- NO** Ladders or balloons to illustrate *retaining wall* heights
- NO** Building/structure heights viewed *from* adjacent properties:
 - NO** Brookside Commons; **NO*** Brook Footbridge; **NO*** Chesley Dr; **NO** Faculty Rd; **NO** Main St

* Only Contract Planner Taintor walked onto the Footbridge & onto Chesley Dr and took pictures

Astoundingly, PB Dec 2020 Site Walk did NOT include views from abutting Brookside Commons (the most directly impacted abutter)



*Oct 8, 2021 Site Plans: Building B now proposed to be **25 ft closer to Brookside Commons**

Brookside Commons Oct 2021 Foliage Vista...
would be blotted out by massive Bldgs B&C →
(plus: almost all the trees are to be removed)



BUILDING C



SOUTH ELEVATION

Despite high relevance of threatened 1.1-acre hillside removal to effectiveness of planned stormwater system & health of College Brook greenway & watershed, & sound/light buffering, CDA Engineer Persechino (with no challenge from PB):

- **Declined to mark the boundaries of targeted hillside area** at the Nov 20, 2020 ConCom & Dec 16, 2020 PB Site Walk, or even mark the boundary line between the Plaza and the “Orion” Main St housing;
- **Misled those at ConCom & PB Site Walks about CDA’s prior ELEVEN MONTHS of stonewalling** in response to multiple written & oral resident questions about square & cubic footage of targeted hillside;
- **Denied that Contract Planner Rick Taintor had only a few days before the Nov 20 Site Walk finally been able to acquire accurate info** from Mr. Persechino about 1-acre+ scale of targeted hillside.*
- **Never corrected Board members or citizens** when errors were made in his presence *favorable to CDA* (e.g., incorrectly SMALL square footage, 17,415sf, for threatened hillside).

*An astonishing 47,610sf, *more than an acre*, almost 3x more than smaller sf residents had incorrectly drawn from **3rd party stormwater review** for increase in impervious area. See **Nov 18 2020** Taintor PB/ConCom memo.

background image is the targeted 1.1-acre hillside

Faculty Road vistas were *not* included in the Dec 2020 site walk



Current Bldg Two

Site Walk Mins 12-16-20



15 Faculty Road

Why did the Dec 2020 site walk not include looking at the proposed building heights (via fire ladder) from Faculty Rd abutting homes?

Chesley Drive vistas were *not* included in the Dec 2020 PB Site Walk



Current Bldg 2 is about 320 ft from footbridge

Despite its distance & low profile (17ft tall), existing single-story Bldg 2 is **very prominent** from Chesley Dr & the College Brook footbridge.



Current 1-story Bldg

At the end of vehicular road on Chesley Dr

Chesley Dr sights

***On Dec 16, 2020
PB site-walk day***

***For anyone who
would have
walked over to
look...***

***—which did not
include members
of the Durham
Planning Board.***

***Fire Dept. ladder shows
height of proposed Bldg C***



Chesley Drive Realities vs. Fantasies

CDA “erases” massive proposed 51 ft tall structure into Disneyfied “magic forest” post-construction fantasy image.

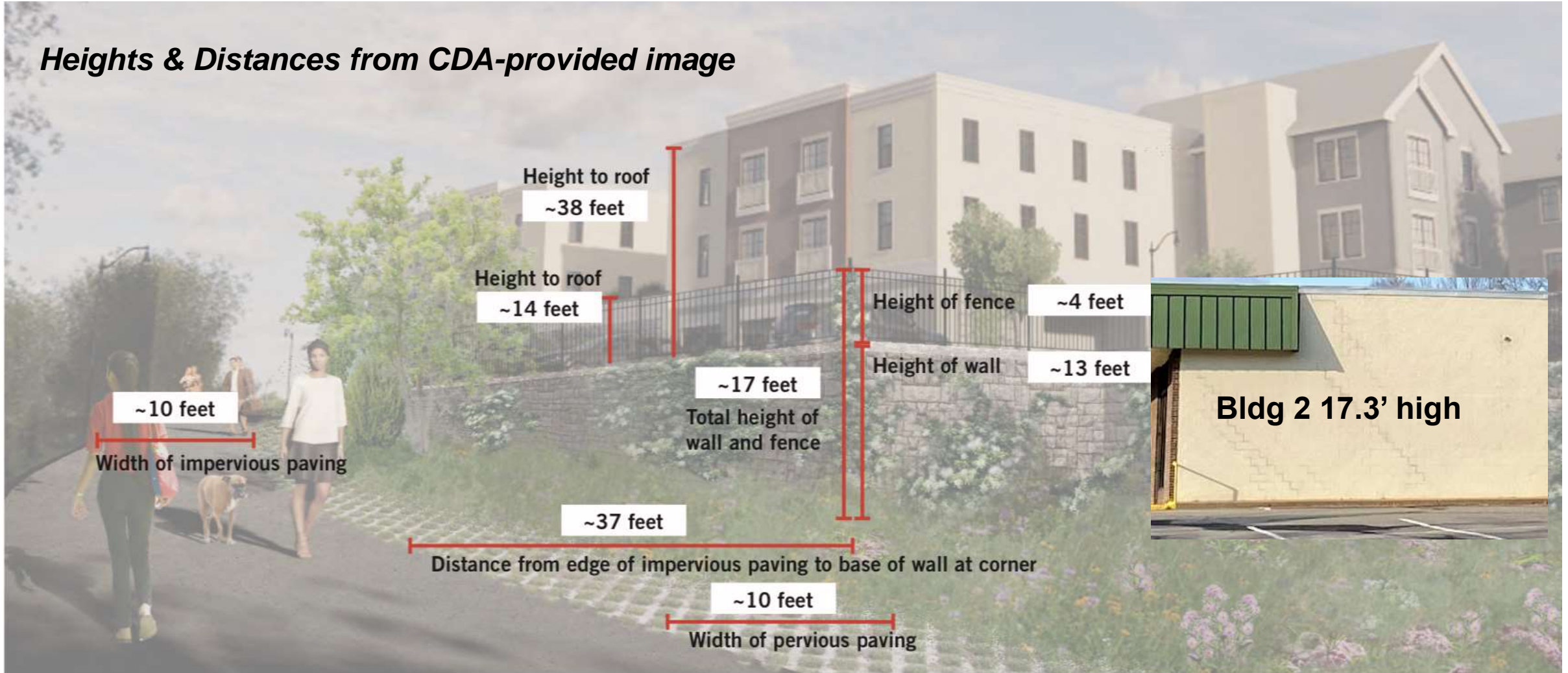


**Why hasn't the
Planning Board
demanded accurate
info & *illustrations*
from CDA?**

Proposed Building C with 13-Foot Retaining Wall

would be 3 times height of current Building Two* & 150ft closer to Chesley Dr

Heights & Distances from CDA-provided image



13' retaining wall + 38' three stories = 51 Feet (or 3 times height of current 17.3' tall Building Two)

Markers for retaining wall/fence height were *not* at the site walk

**This Bldg C image may explain why CDA has not yet shown actual relative heights of person/wall:
*a 5'10" person standing w/13' ladder against towering wall is almost invisible***



***In this ACCURATE scale, the proposed wall looks intimidatingly – and unpleasantly – massive!
And a so-called “3-story building” is revealed to be as imposing as a 4-story or taller structure.***

A thorough site walk would examine damage to the College Brook bank

“Current snow management, pushing snow over the bank down into the riparian corridor. Notice the trees are bent and dying, from this practice.” – Streamworks

Site mismanagement documented even in CDA-submitted [Streamworks Report](#)

Streamworks

CDA’s promises to repair some of its own damage (broken curbing from plowing, trash in Brook, damage to trees) should not earn CDA approval of a still non-compliant site plan.



A thorough site walk would examine CDA damage to College Brook bank & vegetation

175-73. Prohibited Uses in the SPO District.... g. the dumping of snow or ice removed from roads or parking lots, [Zoning Ordinance that Pertains to the Mill Plaza Project, p. 114](#)

Dec 19, 2021 Storm Plowing [VIDEO](#) (00:21)
Town staff forwarded to NHDES.

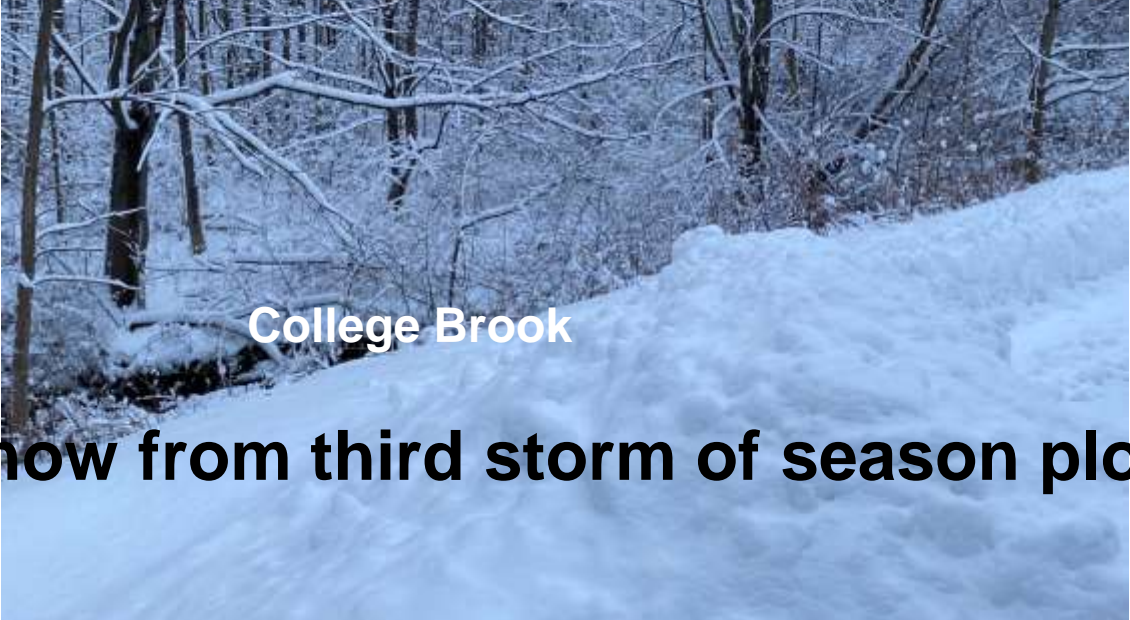
Dec 26, 2021 Storm Plowing [VIDEO](#) (00:19)
Prior mounds pushed further into bank

Plowing snow directly into College Brook bank, during first two small snowstorms of season

“There are some piles of snow that remain at the top of the slope at the edge of parking lot, that snow was not in any State violation as seen during site inspection on 01-14-2022.” [NHDES Report](#)



Jan 7, 2022



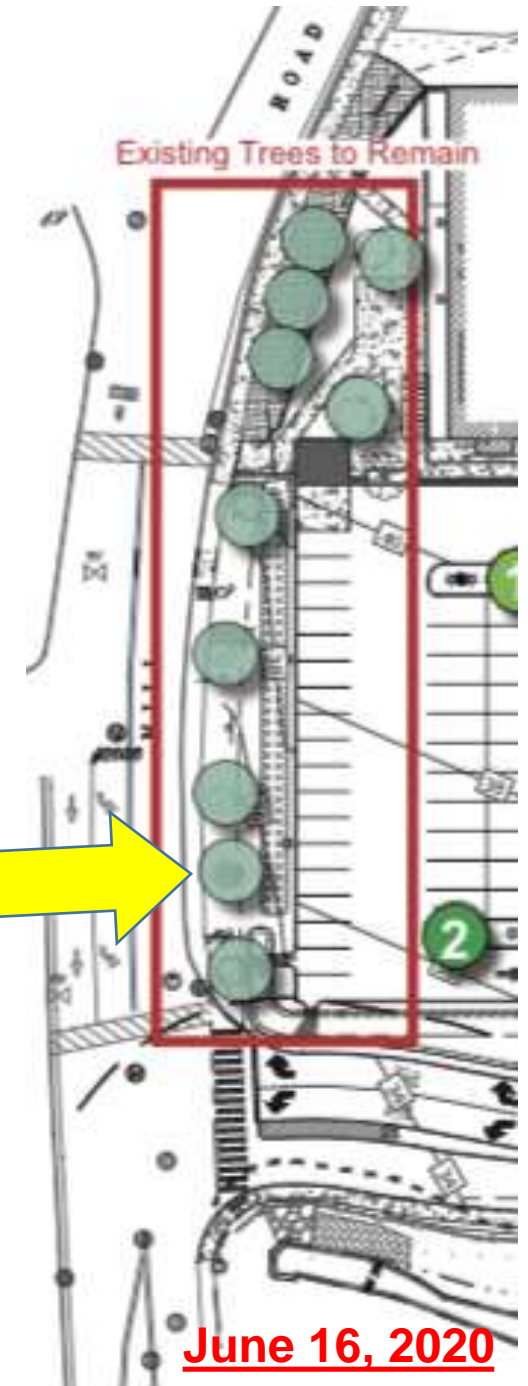
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Snow from third storm of season plowed along/into College Brook bank

A full site walk would compare plans to what's on the ground.

*Per Colonial Durham's
"Tree Plantings" diagram, an
"Existing Tree to Remain"*

**Why wasn't the laughter after this was shown followed
by a PB demand for CDA to address the issue?**

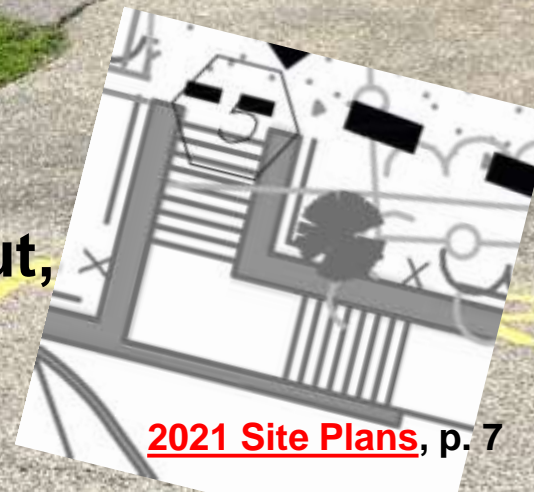


June 16, 2020



A full site walk could look more closely at this hot-button issue.

Very popular footpath from Plaza to Main St & Post Office to be taken out, replaced with switchback staircase.



2021 Site Plans, p. 7

Aug 25, 2021: Planning Board Chair scoffed at idea that ADA-compliant ramp was possible in this location & argued in favor of CDA's plan to put in a switchback staircase (9:45p)

Then a local architect who worked on the 2008 Mill Plaza Study Committee submitted ADA design: Isaak Design—ADA Compliant Pathway 10-21-21. But, on **Oct 27, 2021**, the PB Chair did not challenge CDA's refusal to consider it.

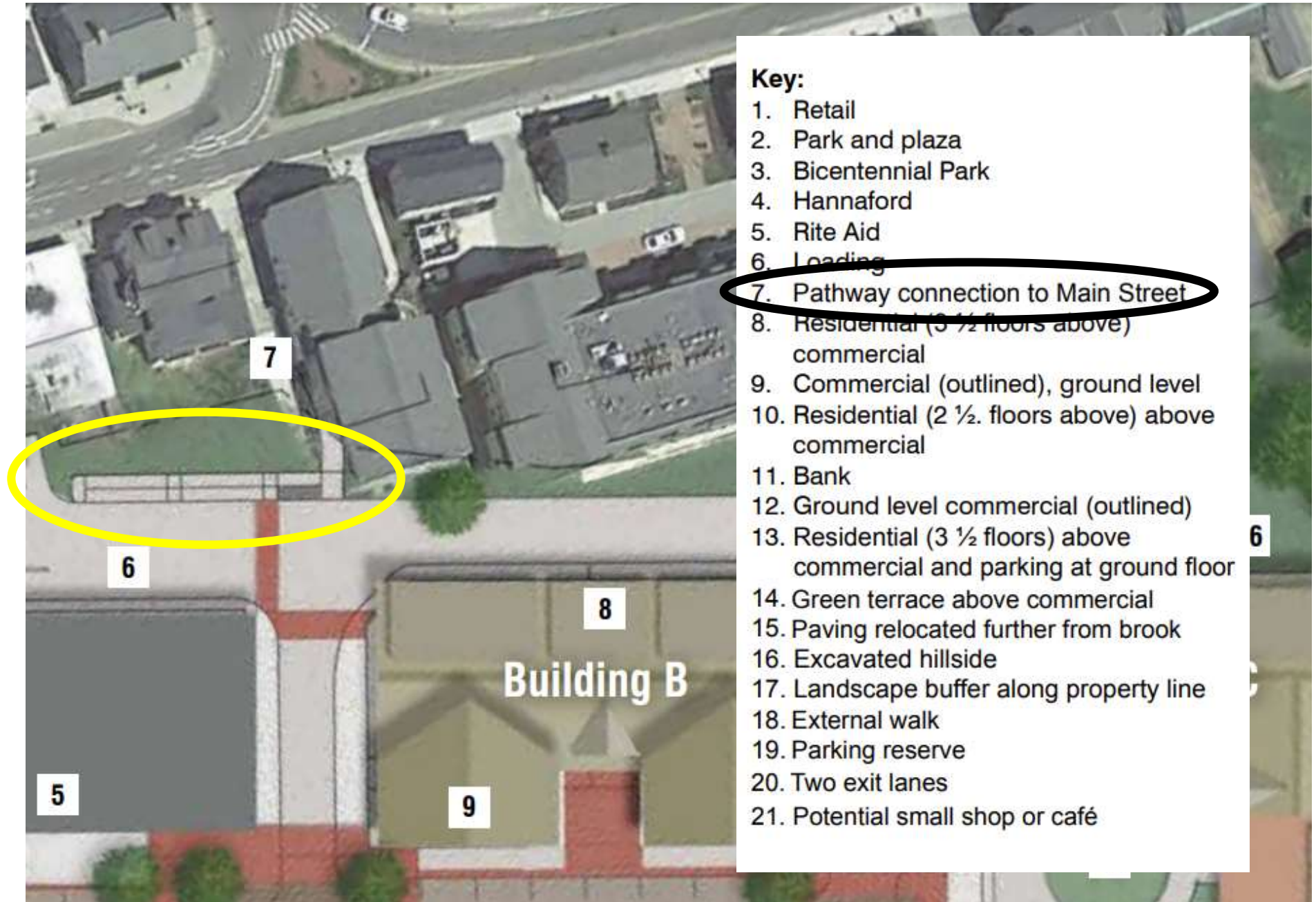


The 2016 plan's cover memo promises that the center ramp to Main Street “would be transformed into a combination stairway and handicapped-accessible ramp that would allow this path to become fully accessible, improving the current condition.”

As confirmed in the Nov 2016 Site-Walk minutes:

“11. The path to Main Street would be extended westerly and utilize a switchback format to meet standards for wheelchairs.”

**Site-Walk Minutes
Mill Plaza
Nov 14, 2016
1:00 p.m.**



More thorough Nov 2016 site walk yielded better neighborhood insights

“16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted.” [Site Walk Minutes, 11-14-16](#), p. 2, which led to Dec 14, 2016 comments:

PB Member Rasmussen on Dec 14, 2016 ([minutes](#)) ([video](#))

“Mr. Rasmussen....said at the [Nov 14, 2016] site walk, he walked to the end of Chesley Drive and looked at the view scape of Mill Plaza from there, including the skyline. **He said there was very little vegetative buffer between that neighborhood and the Plaza, so the people living there really did feel like the Plaza was in their backyard.***

He also said looking at the Plaza from the Faculty neighborhood, what was proposed would **match the Orion ridge lines, but would also be 40% closer to the neighborhood so would be impactful.**” (pp. 11-12)

**Note that this comment by Mr. Rasmussen is about the existing vegetative buffer between Chesley Dr and the Plaza; it is not specific to the [particular site plan](#) being considered at this or other times.*

PB Member Rasmussen

“Mr. Rasmussen.... said there was very little vegetative buffer between that neighborhood and the Plaza,* so the people living there really did feel like the Plaza was in their backyard.”

—Dec 14, 2016 ([mins](#)) ([video](#))

*Again, this comment is about the limited vegetative buffer between Chesley Dr & Plaza, and is not specific to any particular site plan.



Again, more thorough Nov 2016 site walk yielded better neighborhood insights

“16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted.” [Site Walk Minutes, 11-14-16](#), p. 2, which led to Dec 14, 2016 PB Hearing comments:

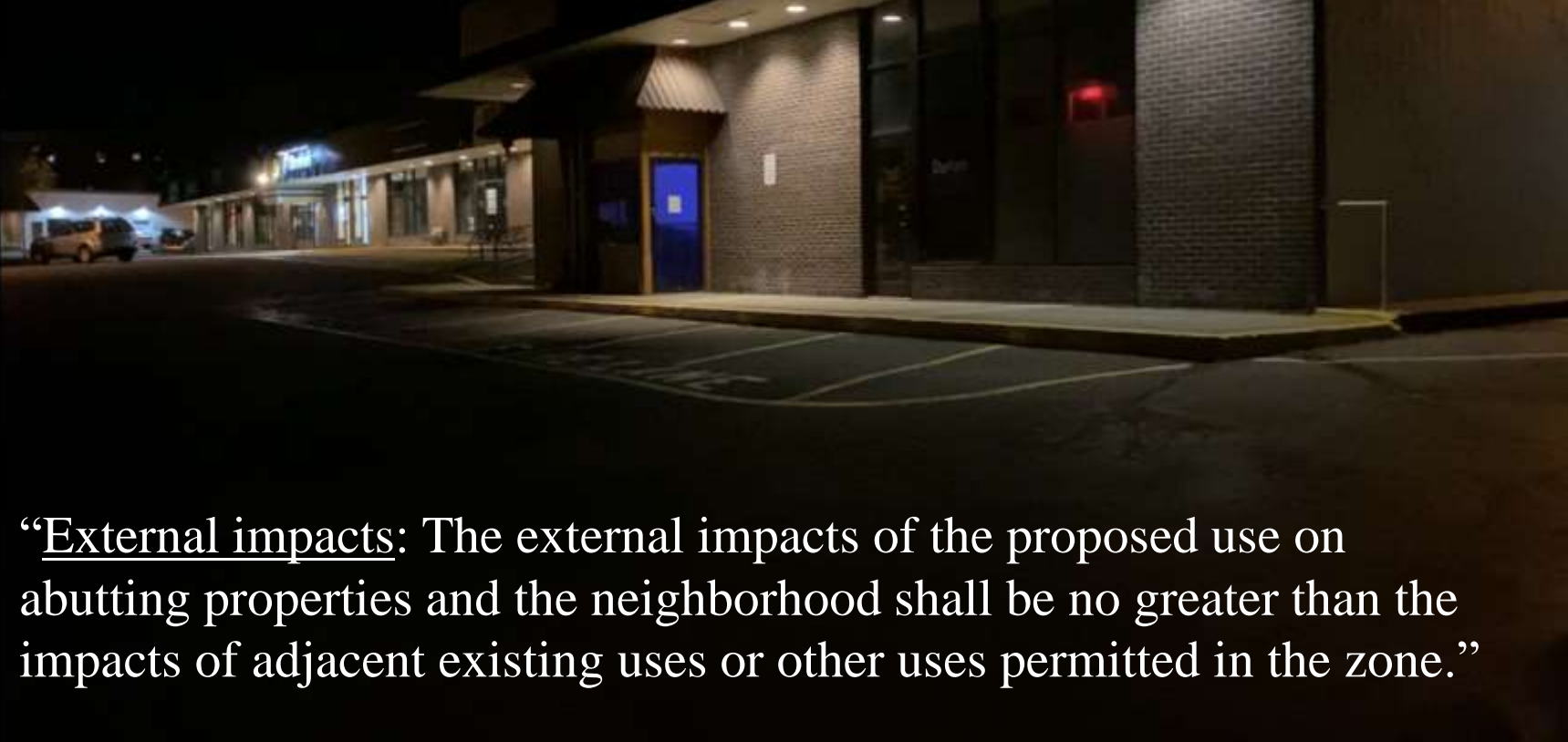
Council Rep Lawson on “Neighborhood” vs. “Abutters”

“Councilor Lawson said he was convinced that Mill Plaza could be redeveloped in a way that could be approved by the Planning Board and that could be supported by the neighborhood. He considered whether from a Zoning perspective, Chesley Drive, Brookside Commons and the Faculty development were abutters or the neighborhood. **He said he thought they clearly met the criterion of a neighborhood, which meant that there were significantly more criteria that an application would have to meet, concerning how a development would impact the neighborhood.**

He said this was going to be very challenging with the current design, and he spoke further on this. He said even if variances were granted, the Planning Board would still have to look at the Conditional use criteria.” —Dec 14, 2016 ([mins](#), p. 12; emphasis added) ([video](#))

“[Jim Lawson] said even if variances were granted, the Planning Board would still have to look at the Conditional use criteria.” —**Dec 14, 2016**

The Plaza has long been a BUFFER from sights & sounds of late-night activity on campus, Main St, & beyond [[Video](#) Fri 10/2/20 11:28p]



“External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone.”

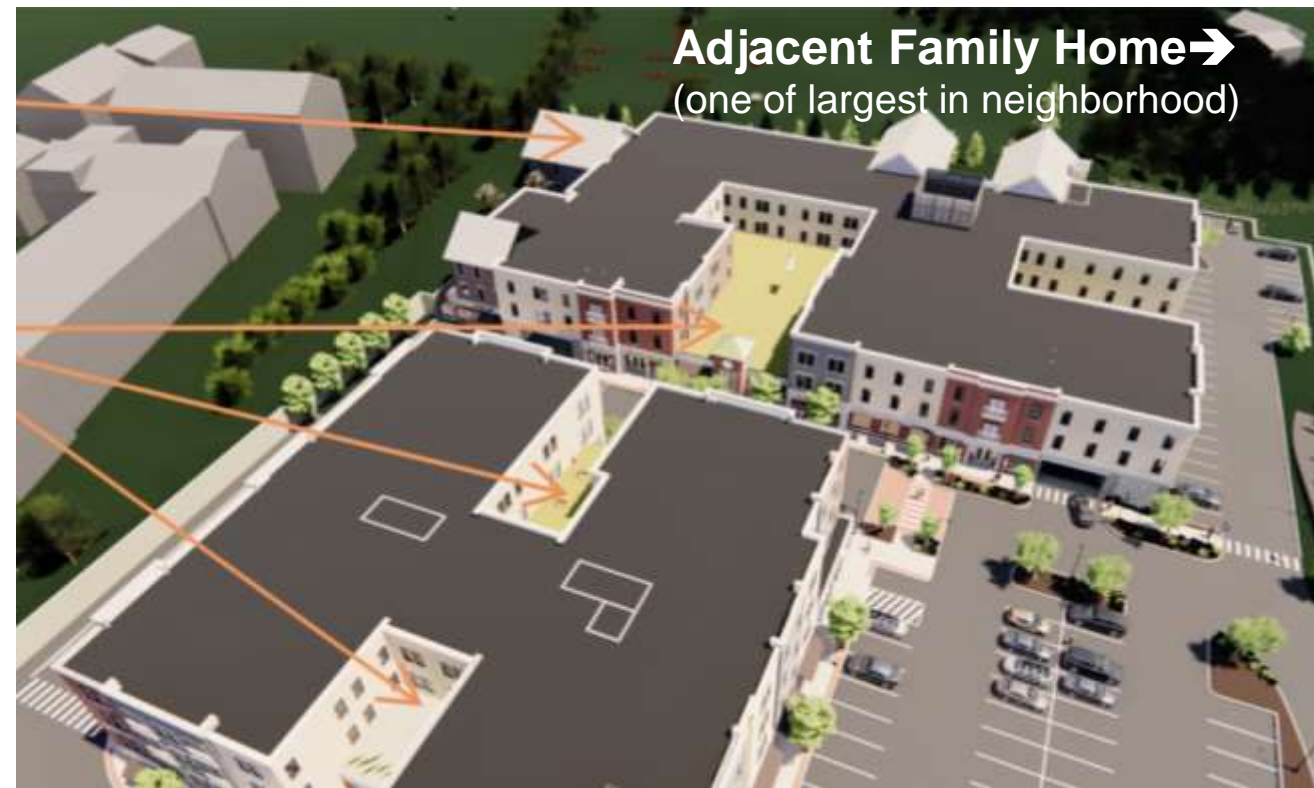
“This shall include, but not be limited to* traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.”

Conditional Use

*Re: “shall...not be limited to” see [Conditional Use Review – Durham Town Attorney Guidance](#)

“Mixed-use” Plaza projects “shall not be incompatible with the established character of the neighborhood...[in] scale, height,..massing.” ([CU Zoning](#))

“This Board must take into account the **vastly different scale** of this proposed redevelopment and its undeniable **24/7 impact** on the Faculty Neighborhood. Nowhere in the Town of Durham does such a large student housing complex immediately border single-family residences.... Nowhere in Durham are single family homes immediately adjacent to three- and four-story dormitories.” – [Ward Family, 15 Faculty Rd, 6-24-20](#)



Base images from “[Aug 26 2020 Presentation](#)”

5th grade middle-schooler & 5’10” male against 13-ft tall retaining wall are almost invisible

The more thorough Nov 2016 site walk made the PB aware of how “impactful” much closer tall buildings would be for those in the Neighborhood



Garden Lane, looking toward Faculty Road – and the Plaza & “Orion” housing beyond, Dec 12, 2021



Site Walk Mins 12-16-20

“[Rasmussen] also said looking at the Plaza from the Faculty Neighborhood, what was proposed would match the Orion ridge lines, but would also be 40% closer to the neighborhood so would be impactful.” —Dec 14, 2016 ([mins](#), p. 11-12) ([video](#))

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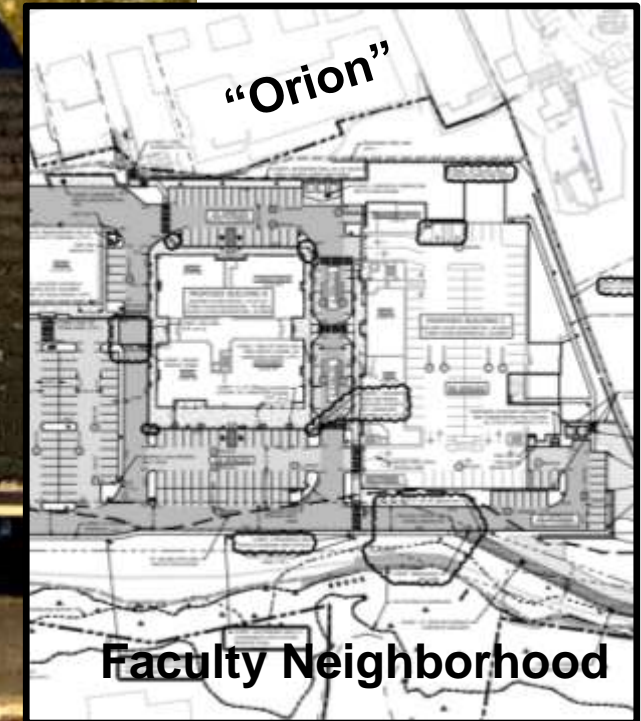


2016 plans

2021 plans



In 2021 plans, Bldg C is much *closer* to Faculty Rd than it was in 2016 plan!



9 Faculty Rd

Faculty Neighborhood

The Dec 2020 PB Site Walk lasted only 67 mins
vs. 102 mins for PB 2016 & 120 mins for ConCom Nov 2020

A thorough site walk for the current Mill Plaza Site Plan would look at:

- A **fully marked Mill Plaza site**, *per checklist drawn from R. Mower & D. Chen*
- The state of College Brook and the wetland buffer for understanding CDA maintenance record
- A close comparison of the landscape plans with what's on the ground
- The possible site for an ADA-compliant footpath to Main St
- Heights & boundaries of proposed Plaza structures as seen **from Brookside Commons**
- Where & how there might be a **pedestrian connection between Plaza & Church Hill parking**
- Heights & boundaries of proposed Plaza structures as seen **from College Brook Footbridge**
- Erosion, silting, & other flood damage in **downstream Chesley Dr & Faculty Rd backyards**
- Heights & boundaries of proposed Plaza structures as seen **from Chesley Drive**
- Proposed Plaza structures as seen **from abutting Faculty Rd & Faculty Rd backyards**
- Potential neighborhood impacts (movement, noise, light/glare, odor/fumes, hrs of activity, etc.)

Please try again: Plaza Site-Walk Checklist

Adapted from: [R Mower 12-1-20](#) & [D Chen 12-1-20 #2](#) (both with experience with site walks):

- _____ Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
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All voting Board members should attend

***Limited-Sight* Site Walk 2020**

+ Accepting “Fantasy Images” vs. “Illustrations”



Dec 16, 2020 Plaza Site Walk,
unmarked hillside



Fantasy Image of Post-Construction
view from Chesley Dr, 11-18-20

Please schedule a full-spectrum Site Walk on latest plan & demand realistic illustrations from CDA

Joshua Meyrowitz, 7 Chesley Dr, Durham, NH Prof.Joshua.Meyrowitz@gmail.com [s]